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Lyon  
9/20/02

Practitioner's Docket No. 115699-32

PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: James W. Forbes

Application No.: 09/804,406

Group No.: 3617

Filed: 03/12/2001

Examiner: Jules, F.F.

For: DROPPED DECK CENTER BEAM RAILROAD CAR STRUCTURE

Official

RESPONSE UNDER  
37 C.F.R. § 1.116  
EXPEDITED PROCEDURE  
EXAMINING GROUP  
3617

FAX RECEIVED

SEP 18 2002

GROUP 3600

Box AF  
Commissioner for Patents  
Washington, D.C. 20231

## AMENDMENT OR RESPONSE AFTER FINAL REJECTION--TRANSMITTAL

1. Transmitted herewith is an amendment after final rejection (37 C.F.R. 1.116) for this application.

## CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10\*

(When using Express Mail, the Express Mail label number is mandatory;  
Express Mail certification is optional.)

I hereby certify that, on the date shown below, this correspondence is being:

## MAILING

I deposited with the United States Postal Service in an envelope addressed to the Commissioner for Patents, Washington D.C. 20231

37 C.F.R. § 1.8(a)

37 C.F.R. § 1.10\*

I with sufficient postage as first class mail.

I as "Express Mail Post Office to Addressee"

Mailing Label No. \_\_\_\_\_ (mandatory)

## TRANSMISSION

X facsimile transmitted to the Patent and Trademark Office, (703) 872 - 9327

17 PAGES

Signature

Stephen L. Grant

(type or print name of person certifying)

Date: 18 SEPT. 2002

\* Only the date of filing (§ 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under § 1.8 continues to be taken into account in determining timeliness. See § 1.703(f). Consider "Express Mail Post Office to Addressee" (§ 1.10) or facsimile transmission (§ 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

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**STATUS**

2. Applicant is other than a small entity.

**EXTENSION OF TERM**

3. The proceedings herein are for a patent application and the provisions of 37 C.F.R. 1.136 apply. Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition for extension of time.

**FEE FOR CLAIMS**

4. The fee for claims (37 C.F.R. 1.16(b)-(d)) has been calculated as shown below:

	(Col.1)		(Col. 2)	(Col. 3)	OTHER THAN A SMALL ENTITY	
	Claims Remaining After Amendment		Highest No. Previously Paid For	Present Extra	Rate	Addit Fee
Total	41	Minus	61	= 0	x \$18 =	\$0
Indep	3	Minus	11	= 0	x \$84 =	\$0
First Presentation of Multiple Dependent Claim					+ \$280 =	\$0
					Total Addit. Fee	\$0

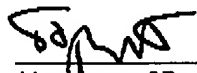
No additional fee for claims is required.

**FEE DEFICIENCY**

5. If any additional fee for claims is required, charge Account No. 15-0450.

Date: 18 SEPT. 2002

Reg. No.: 33,390  
Tel. No.: 330-864-5550  
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Signature of Practitioner

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Attorney's Docket 115699-32**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**Applicant: ForbesExaminer: Jules, F.F.Ser. No.: 09/804,406Art Group: 3617Title: DROPPED DECK CENTER BEAM RAILROAD CAR STRUCTUREFiled: 12 March 2001Date: 18 September 2002**RESPONSE AFTER FINAL REJECTION**

1) This letter is responsive to the Examiner's communication of June 18, 2002 for which a response is due on September 18, 2002. As the amendments result in a net decrease in the number of claims, no fees are due for excess claims. If any fee is due, please charge it to Deposit Account 15-0450.

2) Amendments to the specification

Please amend the specification as follows:

[0064] In Figures 2c and 2d, a car 70 is similar to car 20, except insofar as single bay diagonal braces 74 are used rather than double bay braces. In both of cars 20 and 70, the respective end deck portions are offset upwardly from the lading supporting structure of medial deck portion 29 by a height increment indicated as  $\delta$  (Figure 2a). In the embodiments illustrated in Figures 2a, 2b, 2c and 2d, the step increment corresponds to the height of a nominal 31 1/2 inch bundle of lumber, plus dunnage, (that is, 31 1/2 inches of lumber plus 1 - 1/2 inches of dunnage), totalling 33 inches plus a 5/8 inch tolerance for an actual step height of 33 5/8" (+/- 1/8").

If the bundle of lumber is a lesser height, such as 30 inches, the discrepancy may be made up by additional dunnage.

3) Amendments to the Claims